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Practitioner's Docket No. 50533

IN THE UNITED STATES PATENT AND TRADEMARK

In re application of: Barclay et al.

Application No.: 0 9 / 778,365

Group No. 1752

Filed: February 7, 2001

Examiner:

Not Yet Assigned

HIGH RESOLUTION PHOTORESIST COMPOSITIONS

□ Patent No.*:

Issue date:

*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents Washington, D.C. 20231

> PETITION FOR RECONSIDERATION PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON EXPRESS MAIL LABEL "DATE-IN" (37 C.F.R. 1.10(c))

This is a petition for Reconsideration to accord the correspondence in the above-identified application

patent

the "date-in" of <u>02/07/01</u> shown on the Express Mail label No. <u>EL770089445US</u>

It is respectfully contended that the date of 02/08/01 accorded this correspondence by the PTO is correct.

- 2. Submitted herewith is the statement of <u>Deanna M. Rivernider</u> when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. 1.10(c)(1).
- 3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL770089445US _ and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. 1.10(c)2).
- 4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of USPS attempting*to37 C.F.R. 1.10(c)(3). *to locate Finance Copy of Label and will forward via facsimile

NOTE: See 37 C.F.R. 1.10(d)(3).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

RECEIVED

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office.

OFFICE OF PETITIONS DEPUTY A/C PATENTS

JAN 0 4 2001

FACSIMILE

94 instment date: 01/16/2802 AKE//57/01 F ERA 00000148 0977836 -130.00 DP

0011391000

Deanna M. Rivernider

(type or print name of person certifying)

Rame/Humbars 09778.465 (Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date-in"—[8-13]—page 1 of 2)

01/04/2002 STEFFERA 00000148 09778365

JE 01/16/2002 AXELLEY

01 FC:122

130.00 OP

5. 🔼 Other

- (1) Copy of Petition filed September 4, 2001 with enclosures
- (2) Copy of Decision Dismissing Petition

6. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

- (3) Supplemental Statement of Deanna M. Rivernider
- (4) Additional Proof of "Date-In" of Express Mail Package
 (a) Letter to client (IBM) confirming timely filing of the application on the day the application was mailed; and
 - (b) Letter to client (SHIPLEY) confirming timely filing of the application on the day the application was mailed.

	•
	payable to the "Commissioner of Patents" for the \$130.00
☐ Please charge Account No	the sum of \$130.00
A duplicate of this petition is enclosed	l.
☑ Please charge Account No04= account for any overpayment for this per	1105 for any fee deficiency or credit this tition.
Date: 11/21/01	Signature of Practitioner Peter F. Corless
Reg. No: 33,860	(type or print name of practitioner) Edwards & Angell, LLP
-	Dike, Bronstein, Roberts & Cushman, IP Group
Tel. No.: (617) 523-3400	P.O. Address P.O. Box 9169
100. 100. (617 / 323–3400	Boston, MA 02209
Customer No.	

Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date-in"-[8-13]-page 2 of 2





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Barclay et al.

Serial No.:

09/778,365

Filed:

February 7, 2001

For:

HIGH RESOLUTION PHOTORESIST COMPOSITIONS

Assistant Commissioner for Patents Washington, D.C. 20231

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JAM 0 4 2001

Dear Sir:

SUPPLEMENTAL OFFICE OF PETITIONS DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1PFRETTY A/C PATENTS

I Deanna Rivernider declare as follows:

- 1. I am employed as a legal assistant to attorney Peter Corless of the law firm Edwards & Angell, LLP. I work out of Edwards and Angell's satellite office in Marlborough, Massachusetts.
- 2. Peter Corless received a decision dismissing petition dated September 21, 2001 due to insufficient information and a Petition for Reconsideration is enclosed.
- 3. Immediately upon receipt of the Dismissal of the Petition received from the U.S. Patent Office, I contacted the U.S. Post Office and explained that the copy of the facsimile letter from the United States Postal was not sufficient proof of the "Date-In" of the package. Since the person who deposited the package did not keep a copy of the Express Mail Label or record the date in a log book, I asked the U.S. Post Office (South Station Annex, Boston, Massachusetts) to attempt to locate their copy. After quite some time, I received a telephone call from the U.S. Postal worker assisting me with this matter who informed me that they were unable to locate a copy since it was over six months old. He informed me that he would then attempt to locate the "Finance Copy" of the label. I have since contacted the U.S. Post Office regarding the status of the search several times, including today, and was told that they are still

U.S.S.N. 09/778,365

Filed: 02/07/01

Page 2

attempting to locate the "Finance Copy" and that it would take time because of the amount of

time that has lapsed since deposit of the package. I requested that they continue to attempt to

find the Finance copy of the Express Mail Label and was assured a copy showing proof of the

"Date-In" would be sent to me via facsimile as soon as it is located.

4. Enclosed herewith for additional proof of "Date-In" of the Express Mail

Package is a copy of two letters that I forwarded to our clients the date that I forwarded the

applications to the U.S. Patent Office and respectfully request that these documents be

considered proof of the date the package was deposited to retain the U.S. Patent Application

priority date.

5. I also enclose a copy of the documents forwarded with the original Petition to

Accord Correspondence Filing Date Shown on Express Mail Label "Date-In".

6. I hereby further declare that all statements made herein of my own knowledge

are true and that all statements made on information and belief are believed to be true, and

further that these statements are made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code, and that such willful false statements may jeopardize the validity of

the application or any patent issued thereon.

Date Date



EDWARDS & ANGELL, LLP

OUNSELLORS AT LAW nee 1394

DIKE, BRONSTEIN, ROBERTS & CUSHMAN Intellectual Property Practice Group

130 Water Street Boston, MA 02109-4280 Telephone (617) 523-3400 Fax (617) 523-6440 www.dbrc.com

e-mail: pcorless@ealaw.com cell: 617 650 0256

February 7, 2001

Ms. Colleen Dew IBM Corporation 2070 Route 52 Building 300-482 Hopewell Junction, NY 12533-6531

Re:

U.S. Non-provisional Patent application based upon

Provisional Application Serial No. U.S.S.N. 60/180,905, filed 02/07/00

Entitled "High Resolution Photoresist Compositions"

IBM Reference: CHQ9-99-0093 Shipley Reference: 50533

Dear Colleen:

In connection with the above-referenced application, enclosed please find a copy of the Application Transmittal and application as filed with the U.S. Patent and Trademark Office today.

Also enclosed please find U.S. Declaration and Power of Attorney, U.S. Assignment and Taiwan Oath and Assignment forms that require the inventors' signatures. I ask that you please assist me in obtaining the signatures of the IBM employees on these forms so that I may promptly forward them to the U.S. Patent and Trademark Office upon receipt of the Notice to File Missing Parts.

Please contact our office if you should have any questions or if we can be of any further assistance at this time.

Sincerely yours,

RECEIVED

Deanna M. Rivernider

Legal Assistant

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

DMR Enclosure



EDWARDS & ANGELL, LLP

DUNSELLORS AT LAW

DIKE, BRONSTEIN, ROBERTS & CUSHMAN Intellectual Property Practice Group 130 WATER STREET BOSTON, MA 02109-4280 TELEPHONE (617) 523-3400 FAX (617) 523-6440 www.dhrc.com Marleorough, MA Office Telephone (508) 485-7772

Washington, DC Office Telephone (703) 553-2563

e-mail: pcorless@ealaw.com cell: 617 650 0256

February 7, 2001

Darryl P. Frickey Patent Counsel Shipley Company, L.L.C. 455 Forest Street Marlborough, MA 01752

Re:

U.S. Non-provisional Patent application based upon

Provisional Application Serial No. U.S.S.N. 60/180,905, filed 02/07/00

Entitled "High Resolution Photoresist Compositions"

Shipley Reference: 50533 IBM Reference: CHQ9-99-0093

Dear Darryl:

In connection with the above-referenced application, enclosed please find a copy of the Application Transmittal and application as filed with the U.S. Patent and Trademark Office today.

Also enclosed please find U.S. Declaration and Power of Attorney, U.S. Assignment and Taiwan Oath and Assignment forms that require the inventors' signatures. I ask that you please assist me in obtaining the signatures of the IBM employees on these forms so that I may promptly forward them to the U.S. Patent and Trademark Office upon receipt of the Notice to File Missing Parts.

Please contact our office if you should have any questions or if we can be of any further assistance at this time.

Sincerely yours,

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Deanna M. Rivernider

Legal Assistant

OFFICE OF PETITIONS DEPUTY A/C PATENTS

DMR Enclosure

BOSTON HARTFORD NEWPORT NEW YORK PALM BEACH PROVIDENCE SHORT HILLS

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231 www.uspto.gov

EDWARDS & ANGELL LLP DIKE BRONSTEIN ROBERTS CUSPAGE

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EDWARDS & TRANSELL DIKE BRONSTEIN ROBERTS & CUSHMAN IP GROUP 130 WATER STREET BOSTON, MA 02109

COPY MAILED

SEP 2 1 2001

OFFICE OF PETITIONS

In re Application of George G. Barclay et al Application No. 09/778,365 Filed: February 8, 2001 Attorney Docket No. 50533

DECISION DISMISSING

PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed September 4, 2001, which is properly treated as a petition under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of February 7, 2001, rather than the presently accorded filing date of February 8, 2001.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 7, 2001. In support, the petition is accompanied by a declaration of Deanna Rivernider, a legal assistant to attorney Peter Corless, and a copy of a facsimile letter from the United States Postal Service (USPS) confirming that the package in question was delivered to the PTO on February 8, 2001.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing takel or other official notation entered by the USPS was income.

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entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by

"Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such the place, date and time of deposit; the time of the last scheduled pick-up for that date; and the date and time of entry in the log.

The petition filed September 4, 2001 is not accompanied by the evidence required by the rule. Accordingly, the petition is <u>dismissed</u>. The \$130.00 petition fee is being credited to counsel's deposit account.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

By mail:

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions 2201 South Clark Place

Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

The application is being returned to Initial Patent Examination Division to await petitioners' response to the Notice mailed April 2, 2001.

Telephone inquires specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner for Patent Examination Policy

Patition raconsiduation Edwards & Angell LLP

Dike, Bronstein, Roberts & Cushman

101 Federal St. Boston, MA 02110 Date Rec'd

Docketed For O

By Hy

Approved_

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OFFICE OF PETITIONS DEPUTY A/C PATENTS

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Practitioner' Docket No. 50533

PATENT

IN THE UNITED STATES I	PATENT AND TRADEMARK FFICE	
In re application of: Barclay et Application No.: 0 9 / 778,365 Filed: February 7, 2001 For: HIGH RESOLUTION PHOTORES:	al. Group No. 1752 Examiner: Not Yet Assigned	
	Issue date: of for patent. Where notification is with respect to a manumber and filing date, and add Box M. Fee to addre	
Assistant Commissioner for Patents Washington, D.C. 20231 PETITION TO ACCORD CORD	RESPONDENCE FILING DATE SHOW	WN .
ON EXPRESS M	MAIL LABEL "DATE-IN" C.F.R. 1.10(c))	
It is respectfully contended that the oby the PTO is correct. 2. Submitted herewith is the statement when the discrepancy was discovered promptly thereafter. 37 C.F.R. 1.10(c)(13. Attached is a true copy of the first part both the date on which this correspondent to mailing. 37 C.F.R. 1.10(c)2). 4. Attached is true copy of the "Exp.	the Express Mail label No. <u>EL770089445</u> date of <u>02/08/01</u> accorded this correspond to the total management of <u>Deanna M. Rivernider</u> and establishing that this petition is be	as to ing filed showing ubel No. con prior
CERTIFICATE OF MAIL	NG/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on t	he date shown below, being:	RECEIVED
MAILING	FACSIMILE	AFCEIVED
Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Date: 8/35/61	Transmitted by facsimile to the Patent and Trademark Office. Signature Deanna M. Rivernider (type or print name of person certifying)	JAH 0 4 2001 OFFICE OF PETITIONS DEPUTY AVC PATENTS
(reution to Accord Correspondence Filing Date	Shown on Express Mail Label "Date-in"-[8-13]-pa	ge 1 of 2)

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o. The bennotties for our tr	1. 17(11) is paid as lonews.	•
	d a check payable to the "Commissioner of Patents" for the \$130.00	
☐ Please charge Acco	ount No the sum of \$130.00	
A duplicate of this petition i	s enclosed.	
☑ Please charge Account Naccount for any overpayment		
•	1822	
	Signature of Practitioner	
Date:	Peter F. Corless	
Reg. No: 33,860	(type or print name of practitioner) EDWARDS & ANGELL, LLP	
	Dike, Bronstein, Roberts & Cushman, IP G	roup
Tel. No.: (617) 523–3400	P.O. Address P.O. Box 9169	
Tel. 140 (017) 323-3400	Boston, MA 02209	
Customer No.:		

50533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s):

George G. BARCLAY, Robert G. HEUMANN, Edward W. RUTTER, Jr.,

Jung-Kuang R. CHEN, Margaret C. LAWSON, George M. JORDHAMO,

Timothy M. HUGHES, Wayne M. MOREAU and Ann Marie MEWHERTER

WARNING:

37 CFR 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

HIGH RESOLUTION PHOTORESIST COMPOSITIONS

PECEIVED OFFICE OF PETITIONS DEPUTY AIC PATENTS

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date February 7, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number <u>EL770089445US</u>, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Deanna M. Rivernider

type or print name of person mailing paper)

aua M. Rurcile Signature of person mailing paper

WARNING:

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to

obtain a date of mailing or transmission for this correspondence.

*WARNING:

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label

placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



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PROVISIONAL PATENT APPLICATION Docket No. 50533 Express Mail Label No. EL770089445US

HIGH RESOLUTION PHOTORESIST COMPOSITIONS

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to photoresist compositions and methods for preparation of same and, more particularly, to preparative methods that produce high resolution resists.

2. Background

Photoresists are photosensitive films for transfer of images to a substrate and form negative or positive images. After coating a photoresist on a substrate, the coating is exposed through a patterned photomask to a source of activating energy such as ultraviolet light to form a latent image in the photoresist coating. The photomask has areas opaque and transparent to activating radiation that define a desired image to be transferred to the underlying substrate. A relief image is provided by development of the latent image pattern in the resist coating. The use of photoresists is generally described, for example, by Deforest, Photoresist Materials and Processes, McGraw Hill Book Company, New York (1975), and by Moreau, Semiconductor Lithography, Principals, Practices and Materials, Plenum Press, New York (1988).

While currently available photoresists are suitable for many applications, current resists also can exhibit significant shortcomings, particularly in high performance applications such as e.g. formation of highly resolved sub-half micron and sub-quarter micron features.

25 More recently, chemically-amplified-type resists have been increasingly employed. Such photoresists may be negative-acting or positive-acting and generally





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Barclay et al.

SERIAL NO.: 09/778,365

FILED: February 7, 2001

FOR: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1.10(c)

- I, Deanna Rivernider, declare as follows:
- 1. I am employed as a legal assistant to attorney Peter Corless of the law firm Edwards & Angell, LLP. I work out of Edwards and Angell's satellite office in Marlborough, Massachusetts.
- 2. While preparing a response to Notice to File Missing Parts on August 28, 2001 for the subject application, I noticed that the filing date of February 8, 2001 on the U.S. Patent Office Filing Receipt appeared to be incorrect. A copy of the Filing Receipt is attached hereto.
- 3. Immediately, upon discovering the discrepancy, I called the automated U.S. Express Mail status line and received information by telephone and facsimile indicating the package was delivered to M. Anderson in Washington D.C. 20231 on February 8, 2001 at 10:52 a.m. Therefore, the application should have been assigned the filing december 7, 2001 based on the date of deposit. A copy of the confirmation letter faxed from the National States Postal Service on August 28, 2001 is attached hereto.

U.S.S.N. 09/778,365

Filed: 02/07/01

Page 2

4. I discovered the discrepancy on August 28, 2001, and in consideration of the filing date of this petition, I believe this petition is being filed promptly thereafter.

5. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/28/01			Dea
Date	 	N.1 1	Deann



Date: 11/19/2001

Fax Transmission To: DEANNA RIVERNIDER

Fax Number: 508-485-0363

Dear DEANNA RIVERNIDER:

The following is in response to your 11/19/2001 request for delivery information on your Express Mail item number EL770089445US. The delivery record shows that this item was delivered on 02/08/2001 at 10:52 AM in WASHINGTON, DC 20231 to M ANDERSON. The scanned image of the recipient information is provided below.

Signature of Recipient	Delivery Section				
	2 Thron				
MTANDERSON					
Address of Recipient:	Patents 20237	_			

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

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OFFICE OF PETITIONS DEPUTY A/C PATENTS

UNITED STATES PATENT & TRADEMARK OFFICE Washington, D.C. 20231

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REQUEST FOR PATENT FEE REFUND				
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3 P]	lease refund the following fee(s):	4 PAPER NUMBE	S DATE FILED	6 AMOUNT
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<u> </u>	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
X	Petition	\$3	9/4/01	
	Issue		7/7/01	\$ 13000
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	Maintenance			\$
	Assignment			\$
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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AND SIEM SEE

Office of Finance Refund Branch Crystal Park One, Room 802B